

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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RECEIVED

- 5 JAN 2004

GILL JENNINGS & EVERY

WRITTEN OPINION
(PCT Rule 66)

DIARIED

Date of mailing (day/month/year)	02.01.2004
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Applicant's or agent's file reference MJB07115WO	REPLY DUE within 3 month(s) from the above date of mailing
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International application No. PCT/GB 03/00432	International filing date (day/month/year) 31.01.2003	Priority date (day/month/year) 01.02.2002
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International Patent Classification (IPC) or both national classification and IPC G11B33/04
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Applicant ORIGGIO LIMITED ET AL.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
 For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
 For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 01.06.2004

Name and mailing address of the international preliminary examining authority: 	Authorized Officer Declat, M Formalities officer (incl. extension of time limits) Mamassian, L Telephone No. +31 70 340-1932
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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-6 as originally filed
7-13 received on 19.08.2003 with letter of 18.08.2003

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

WRITTEN OPINION

International application No. PCT/GB 03/00432

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-13
Inventive step (IS)	Claims	
Industrial applicability (IA)	Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1) Reference is made to the following documents:

D1: FR-A-2 759 882 (FORS FRANCE SA) 28 August 1998 (1998-08-28)
D2: WO 97 12365 A (CIECHANOWSKI STANISLAS) 3 April 1997 (1997-04-03)
D3: WO 97 21221 A (AGRO ANGELO ;DECAM PATRICK (BE);
WONDERTIMES (BE); VERVOORT MICHEL) 12 June 1997 (1997-06-12)
D4: DE 200 02 686 U (ADILI MEHRAN YASCHAR) 18 May 2000 (2000-05-18)
D5: DE 299 23 055 U (ANDREAS DIRK) 10 May 2001 (2001-05-10)

- 2) The present application does not satisfy the criterion set forth in Article 33(2)PCT, because the subject-matter of claims 1-13 is not new in respect of prior art as defined in the regulations (Rule 64(1)-(3)PCT), for the following reasons:

- 2.1) Document D1 discloses, as in independent claim 1 of the application, a packaging container having a housing and, disposed therein,
an audio integrated circuit capable of converting digital audio data into electrical audio signals;
a memory connected to or integral with the audio integrated circuit for providing digital audio data to the audio integrated circuit;
an input connected to the memory through which digital audio data can be uploaded to the memory;
a transducer for receiving electrical audio signals from the audio integrated circuit and reproducing corresponding sound signals therefrom;
a battery connected to power the audio integrated circuit and the transducer; and
a manually actuatable switch for causing the audio integrated circuit to operate to receive digital audio data from the memory and to provide electrical audio signals to the transducer for reproduction of audio material.
See document D1, in particular: page 1, lines 15-19; page 4, line 24 to page 9, line 33; figures.

2.2) Furthermore, also documents D2-D5 disclose the subject-matter of independent claim 1.

See document D2, in particular: page 3, line 21 to page 11, line 4; abstract; figures.

See document D3, in particular: page 3, line 10 to page 5, line 20; abstract; figures.

See document D4, in particular: page 3, line 23 to page 6, line 11; abstract; figures.

See document D5, in particular: pages 2-4; claims 1-8.

2.3) The subject-matter of independent method claim 7, comprising the same or corresponding essential features as in claim 1, is also known from the documents D1-D5.

2.4) The added features of dependent claims 2-6 and 8-13 are also known from the cited documents, or at least obvious therefrom (claim 8); see in particular document D1 for all the claims.
